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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,418	11/24/2003	Wesley A. Brush	Brush 113579 cont.	3406
7590 Henry T. Brendzel P.O. Box 574 Springfield, NJ 07081				
EXAMINER ADDY, THUAN KNOWLIN				
ART UNIT 2614		PAPER NUMBER		
MAIL DATE 11/05/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/719,418

**Applicant(s)**

BRUSH ET AL.

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on July 25, 2008 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1-15 are still pending in this application, with claims 1 and 2 being independent.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sattar et al. (US 5,572,581).
4. In regards to claims 1, 2, 10, and 11, Sattar discloses a method for providing communication service (See col. 1 lines 10-12) comprising the steps of: an intelligent peripheral (See Fig. 2 and intelligent peripheral (IP) 42) receiving an alert message, (e.g., instructions/data package) from a database unit (See Fig. 2 and SCP 24), the message specifies a communication protocol parameter (for example, the instructions/data package sent to IP 42, via SCP 24, indicates what services are required or needed for the calling party, which may include fax retrieval, voice recognition, text-to-voice functions, digit collection, etc., See col. 7 lines 18-33); with reference to a database within said intelligent peripheral, establishing a connection between said database unit and said intelligent peripheral to operate in accord with a

protocol pointed to by said protocol parameter, communicating information between said database unit and said intelligent peripheral; and communicating information between a switch (See Fig. 2 and switch 10) and said intelligent peripheral over a bearer connection (See Fig. 2 and data link 44) between them (See col. 7 lines 44-66).

5. In regards to claim 3, Sattar discloses the method, where said specification of said communication protocol by said database unit takes the form of specifying a parameter of a protocol that uniquely specifies a protocol, and operating parameter of said protocol (See col. 7 lines 18-27 and col. 7-8 lines 64-5).

6. In regards to claim 4, Sattar discloses the method, wherein the connection between the intelligent peripheral and the database unit is via a signaling network (e.g., data link 46, which can be SS7, TCP/IP, FDDI, X.25, or any other synchronous or asynchronous data link (See Fig. 2, col. 6-7 lines 67-1, and col. 7 lines 13-15).

7. In regards to claim 5, Sattar discloses the method, where the connection between the database and the switch is over a signaling network (e.g., data link 44) (See col. 6 lines 63-67).

8. In regards to claims 6 and 9, Sattar discloses the method, where said bearer connection is established following the establishment of said connection between the database and the intelligent peripheral (See col. 7 lines 44-63).

9. In regards to claim 7, Sattar discloses the method, where said bearer connection is established in response to a message send by said switch to said intelligent peripheral (See col. 7 lines 28-33).

10. In regard to claim 8, Sattar discloses the method, where said message sent by said switch to said intelligent peripheral is following a message sent by said database unit to said switch (See col. 7 lines 44-63).

11. In regards to claim 12, Sattar discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to appropriate destination (See col. 7 lines 44-66).

12. In regards to claim 13, Sattar discloses the method, where said appropriate destination is said database unit (See col. 7 lines 44-63).

13. In regards to claim 14, Sattar discloses the method, where said appropriate destination is said switch (See col. 7 lines 44-63).

14. In regards to claim 15, Sattar discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to said database unit via said switch (See col. 7 lines 44-63).

### ***Response to Arguments***

15. Applicant's arguments filed 07/25/2008 have been fully considered but they are not persuasive.

16. In regards to claim 1, and similarly to claim 2, Applicants argue that in the phrase "specifies a communication protocol parameter" what is specified is a parameter, but the modifier for this parameter is "communication protocol," and in other words, it is a parameter that pertains to communication protocol, which means that the parameter specifies the communication protocol.

17. In response to Applicants' argument, the instructions/data package of Sattar, may simply read on the "parameter". For instance, the instructions/data package sent to IP 42, via SCP 24, indicates what services are required or needed for the calling party, which may include fax retrieval, voice recognition, text-to-voice functions, digit collection, etc., (See col. 7 lines 18-33) of Sattar. For example, faxing, voice, and text-to-voice conversion, each require a different type of "communication protocol." In Sattar, the instructions/data package specifies the "communication protocol," (such as the protocol needed for faxing, voice, or text-to-voice conversion) and therefore, reads on "a communication protocol parameter".

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614